

**Planning Commission Hearing Minutes**  
**DATE: December 11, 2017**

PC MEMBERS	PC MEMBERS ABSENT	STAFF PRESENT
Barbara Nicklas – Chair Arlene Perkins – Vice Chair Kelly Russell – Alderman & Secretary Ron Burns Katie Isaac Alan Imhoff – Alternate		Gabrielle Collard, Division Manager of Current Planning Cherian Eapen, Traffic Engineer Scott Waxter, Assistant City Attorney Pam Reppert, City Planner Marshall Brown, City Planner Grace Bogdan, City Planner

**I. ANNOUNCEMENTS:**

Ms. Collard advised the Planning Commission and the public that the Workshop Agenda with attachments are available online for the workshop scheduled for Monday December 18, 2017 at 2pm in the Municipal Annex Building. Ms. Collard also advised due to the Christmas Holiday the Development Review Conference (DRC) meetings would be held on December 22<sup>nd</sup>, however, the Planning Commission deadline has been move to December 27<sup>th</sup>, 2017.

**II. APPROVAL OF MINUTES:**

Approval of the **November 13, 2017** Planning Commission Meeting Minutes as amended:

**MOTION:** Commissioner Perkins

**SECOND:** Alderman Russell

**VOTE:** 4-0. (Commissioner Isaac Abstained)

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Approval of the **November 20, 2017** Planning Commission Workshop Minutes as amended:

**MOTION:** Commissioner Perkins

**SECOND:** Commissioner Burns

**VOTE:** 5-0.

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Approval of the **December 8, 2017** Pre-Planning Commission Minutes as amended:

**MOTION:** Commissioner Nicklas stated the minutes would be postponed until the January 8<sup>th</sup>, 2018 Hearing.

**SECOND:** No Second

**VOTE:** No Vote Made

**III. PUBLIC HEARING-SWEARING IN:**

*“Do you solemnly swear or affirm that the responses given and statements made in this hearing before the Planning Commission will be the whole truth and nothing but the truth.” If so, answer “I do”.*

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**IV. PUBLIC HEARING-CONSENT ITEMS:**

(All matters included under the Consent Agenda are considered to be routine by the Planning Commission. They will be enacted by one motion in the form listed below, without separate discussion of each item, unless any person present – Planning Commissioner, Planning Staff or citizen -- requests an item or items to be removed from the Consent Agenda. Any item removed from the Consent Agenda will be considered separately at the end of the Consent Agenda. If you would like any of the items below considered separately, please say so when the Planning Commission Chairman announces the Consent Agenda.)

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**VI. MISCELLENEOUS:**

**Alderman Russell recused herself from the case.**

**A. PC17-913PCM, Fence Modification, 111 College Avenue**

Mr. Brown entered the entire staff report into the record. There was no public comment on this item.

**PLANNING COMMISSION ACTION:**

**MOTION:** Commissioner Imhoff moved to approve the fence modification, based on the findings in accordance with Section 309 that the modification requested:

1. Will not be contrary to the purpose and intent of the Code;
2. Is consistent with the Comprehensive Plan; and
3. Provides compensating design or architectural features so as to meet overall objectives of the particular requirement.

And in accordance with Section 821(d):

1. The proposed fence, wall, or hedge complies with the sight triangle provision outlined in Section 611(t);
2. The proposed fence, wall or hedge is consistent with the scale and design of the surrounding community; and
3. The proposed fence, wall, or hedge does not adversely impact the use and enjoyment of other properties in the immediate vicinity.

**SECOND:** Commissioner Perkins

**VOTE:** 5-0

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**B. PC14-127PSU/PC14-332FSI, Preliminary Subdivision Plat/Final Site Plan, Kellerton Knolls**

Ms. Bogdan entered the entire staff report into the record. There was no public comment on this item.

**PLANNING COMMISSION ACTION:**

**MOTION:** Commissioner Perkins moved to approve the requested extension to the previously approved Combined Preliminary Subdivision Plan and Final Site Plan for Kellerton Land Bay A PC14-127PSU/PC14-332FSI.

**SECOND:** Commissioner Isaac

**VOTE:** 5-0

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**VII. NEW BUSINESS:**

**C. PC17-133PSU, Preliminary Subdivision Plat, Northgate**

Ms. Reppert entered the entire staff report into the record. There was no public comment on this item.

**PLANNING COMMISSION ACTION:**

**MOTION:** Commissioner Burns moved to approve a determination of adequacy for the intersection of Monocacy Blvd/Waterside Drive/State Farm access drive as described in the staff report, in accordance with Section 4-11(b) of Chapter 4 of the City Code.

**SECOND:** Commissioner Isaac

**VOTE:** 4-1 (Commissioner Perkins Opposed)

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**PLANNING COMMISSION ACTION:**

**MOTION:** Commissioner Perkins moved to conditionally approve the preliminary subdivision plat for the Northgate Plaza Lots 10RA and 10RB, PC17-133PSU, based on compliance with Section 507 of the LMC and all of the applicable zoning regulations of Articles 4, 6 and 7, and after considering the requirements of the community and the best use of land being subdivided, the public facilities that will support and service the area under the plan, and the completion and continuation of any roads shown on the Comprehensive Plan, with the following conditions to be met:

1. Finalize the Traffic Impact Study for engineering approval.
2. Label the right in access drive as private.
3. Add a note to plan that an access easement agreement with the City for the private drive/entrance shall be executed prior to final plat recordation.
4. Change plan title to Northgate Plaza Lots 10R-A and 10R-B.

**SECOND:** Alderman Russell

**VOTE:** 5-0

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**D. PC17-428PSU, Preliminary Subdivision Plat, East of Market Phase 2**

Ms. Reppert entered the entire staff report into the record. There was no public comment on this item.

**PLANNING COMMISSION ACTION:**

**MOTION:** Commissioner Burns moved to approve the preliminary subdivision plat for the East of Market Phase 2, PC17-428PSU in accordance with the application provisions of Articles 4, 5, 6 and 7, and any applicable sections of Article 8 and consistency with the Comprehensive Plan with the following conditions to be met:

1. Sheet 2, edit title of plan to delete "Site Plan" and title this sheet as "Existing Conditions."
2. Sheet 3, correct the street tree number along East Street to 11 trees and show as to be provided.
3. Sheet 4, provide separate plant list for street trees and verify tree counts on Sheet 3.
4. Add the following note to the plat: *Either a bond guarantee/surety or completion of the upgrade to the East Street entrance to Lot 1R will need to be in place prior to final plat recordation.*
5. Obtain Mayor and Board of Aldermen approval for a waiver from City Code 16-14(b)(4), that separate lots need individual water and sewer connections and make note of approval on the plat.
6. Execute and record the School Construction Fee Agreement with the City and make note of the approval and recording references on the plan.

**SECOND:** Commissioner Perkins

**VOTE:** 5-0

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**E. PC17-429FSI, Final Site Plan, East of Market Phase 2**

Ms. Reppert entered the entire staff report into the record. There was no public comment on this item.

**PLANNING COMMISSION ACTION:**

**MOTION:** Commissioner Perkins moved to send a positive recommendation to the Mayor and Board of Aldermen for the waiver of the parkland dedication requirement for 1.12 acres in accordance with Section 608(a) finding that the site is adequately served by existing parks, that the Comprehensive Plan does not identify this area for a new park and based on the determination that the proposed private open spaces and amenities are reasonably functional to serve the development.

**SECOND:** Commissioner Isaac

**VOTE:** 5-0

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**PLANNING COMMISSION ACTION:**

**MOTION:** Commissioner Perkins moved to approve a modification to Section 607(e) *Buffer and Screening Requirements* finding that:

- A. The modification is not contrary to the purpose and intent of the Code to provide a visual barrier to incompatible uses;
- B. The modification is consistent in supporting the Comprehensive Plan to facilitate First Tier Growth Infill and Redevelopment; and
- C. That the compensating feature is the compatibility for the two East of Market developments function as one with no visual barrier between them.

**SECOND:** Commissioner Isaac

**VOTE:** 5-0

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**PLANNING COMMISSION ACTION:**

**MOTION:** Commissioner Burns moved for conditional approval of the final site plan for East of Market Phase 2, PC17-429FSI in accordance with the applicable provisions of Articles 4, 6, 7, and 8 of the LMC and all other provisions incorporated therein, based on the findings that the site plan shall be adequately served by public facilities and that the application complies with Chapter 19 of the City Code pertaining to MPDUs, with the following conditions to be met:

1. Execute and record the MPDU agreement and complete Note 3 with recorded references for agreement.
2. Correct Note 6, to reflect 1,000 s.f. per dwelling unit and total dedication of 1.12 acres.
3. Correct Note 9 parking space numbers to be provided.
4. Sheet 2, correct parking space number to match type of spaces being provided in Note 9 and follow up with subsequent sheets with correct numbers. Verify total number of parking spaces.
5. Sheets 4 and 5, verify the number of on-lot trees to be provided and correct in Plant list.
6. Sheet 6, lighting plan should demonstrate/label 0.0 footcandles at property lines.
7. Obtain Mayor and Board of Aldermen approval of a waiver from the parkland requirement of 1.12 acres and make note of the approval on the site plan.
8. Execute and record a blanket cross access easement agreement between East of Market (Lot 201) and East of Market Phase 2 (Lot 2).

**SECOND:** Commissioner Perkins

**VOTE:** 5-0

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**F. PC17-430FSCB, Combined Forest Stand Delineation and Preliminary Forest Conservation Plan, East of Market Phase 2**

Ms. Reppert entered the entire staff report into the record. There was no public comment on this item.

**PLANNING COMMISSION ACTION:**

**MOTION:** Commissioner Perkins moved for conditional approval of the Combined Forest Stand Delineation and Preliminary Forest Conservation Plan (PC17-430FSCB), in accordance with LMC Section 721 with the following conditions to be met:

1. Sheet 2, remove triangle pattern and show forest area as existing.
2. Sheet 4:
  - a. Provide label with amount of acreage to be cleared.
  - b. Provide complete signage and fencing symbols around the planting area on all sides.
  - c. Show removal symbol for the Silver Maple – T63 and add plantings in accordance with the Maryland Technical Manual to cover replacement of loss.
3. Sheet 5, delete \*Note under Forest Tracking Data, irrelevant.
4. Sheet 6,
  - a. Change Minimum Requirements - Environmental Compliance Section to Project and Inspections, Phone: 301-600-6822.
  - b. Under Forest Conservation Worksheet, list and subtract out credit for Street Tree acres for new planting requirement, then subtract out proposed planting acres for amount of acres remaining for FILO payment. Calculate out amount of money that would need to be paid.
5. Sheet 7,
  - a. Under Surety Notes:
    - i. Note 2 Delete reference to reduction. The City allows for only a reduction if the Applicant bonds sign and fencing separately.
    - ii. Note 2 Edit to read: The surety shall be release upon final inspection finding that survival rate has been met.
  - b. Delete duplicate table information for Plant List and add three (3) more species of trees to the plant list to increase diversity.
  - c. Under Retention of Existing Trees and Forest Resources, Note 4, delete last sentence: Following the maintenance period, it shall remain in place until it naturally deteriorates.
  - d. Under Standard FCP Notes, Note 4, change agreement name to Short Term Maintenance Agreement with the City.

**SECOND:** Alderman Russell

**VOTE:** 5-0

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**Meeting approximately adjourned at 7:10 pm**

Respectfully Submitted,

Jessica Murphy  
Administrative Assistant